84-755

(1)

Office-Supreme Court, U.S.
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ALEXANDER L. STEVAS,
CLERK

NO_____

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1984

TOMLINSON COURT APARTMENTS, Appellee

v.

OLGA OGROD, Appellant

ON DIRECT APPEAL FROM THE

PHILADELPHIA COURT OF COMMON PLEAS

COMMONWEALTH OF PENNSYLVANIA

JURISDICTIONAL STATEMENT

OLGA OGROD
Tomlinson Court Apts.
Apartment F-7A
1761 Foster Street
Philadelphia, Pa.
19116

23RP

EDITOR'S NOTE

THE FOLLOWING PAGES WERE POOR HARD COPY AT THE TIME OF FILMING. IF AND WHEN A BETTER COPY CAN BE OBTAINED, A NEW FICHE WILL BE ISSUED.

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QUESTIONS PRESENTED

1. Does a Motion Court Judge at Common Pleas level (a single judge, not a 3-judge panel) without jurisdiction-same cause on Direct Appeal under the Civil Rights Act of 1964 in U. S. Supreme Ct. (No. 82-5490, 83-5821, Direct Appeal docketed 11-23-83) have aConstitutional right to break all Supersedeas Bonds and dismiss all Appeals for payment of rent specifically escrowed until Appeals are decided?

2. Does a Motion Court Judge at Common Pleas level have a right after several Notices of Supreme Court Jurisdiction to enter orders breaking all Supersedeas Bonds and dismissing all Appeals without notice or hearing in violation of the Fourteenth Amendment of the U. S. Constitu-- tion (Due Process and Equal Protection clause)

3. Does a Motion Court Judge at Common Pleas level have a right under the U. S. Constitution to enter orders breaking all Supersedeas Bonds and dismissing all Appeals further allowing Appellees to proceed with an eviction and collect rent not legally due Appellees as not validly licensed in violation of Phila. Housing Bill 780, effective January 12, 1982?

4. Does a Motion Court Judge at Common Pleas level have a Constitutional right to break all Supersedeas Bonds and dismiss all Appeals in violation of the Seventh Amendment of the U. S. Constitution - A Major Jury Trial demanded and paid for damages in excess of $20,000?

5. Does the Prothonotary of Phila Court of Common Pleas have a right to issue Writ for Possession violating Appellant's Appeal period, have Sheriff act on same with an Approved Supersedeas Bond docketed and Not of Appeal filed 10-28-84?

PARTIES TO PROCEEDINGS

TOMLINSON COURT APARTMENTS, Appellee

(Wynne Hill Development Corp., George C. Weiss, James Kravitz Harriet B. Kravitz, Alvin Rosenberg, Philip Nalibotsky, President)

OLGA OGROD, Appellant

TABLE OF AUTHORITIES

1. U.S. Civil Rights Act of 1964 (Removal)of State Court actions to U.S. District Court for Discrimination in Housing with a lease that is different because of National Origin (one other tenant with identical lease evicted three years ago.
2. US SUPREME COURT RULES part VIII tolling the time for filing when sent by mail per affidavit.
3. 28 USC 2101 (a) 28- 1952 gives Appellant right to direct appeal because this involves Constitutionality of an Act of Congress and integrally part of other appeals to US Supreme Ct.

4. 28 USC 2101 (b) gives Appellant right of direct appeal because case involves Civil Rights Act of 1964 currently on appeal.

5. The Fair Housing Act of 1968 - Public Law 90-284 (Discrimination in Housing falls within the Civil Rights Act of 1964 (National Origin) and directly appealable as part of Removal.

6. Civil Rights Act of 1866 as amended by Executive Order No. 12255 on December 31, 1980 Fed. Reg. 1253 inclusive of National Origin.

7. Phila. Housing Code - Bill 780 effective January 12, 1982.

8. LANDLORD AND TENANT ACT - PHILA. CIVIL RULES APPEALS TO COMMON PLEAS COURT - RULE 300 (F) Star Rule 28, effective July 1, 1967, amended May 10, 1971.

REFERENCE TO OFFICIAL AND

UNOFFICIAL REPORTS OR ANY OPINIONS

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1. Orders of September 10, 1984, entered by a Motion Court Judge at Common Pleas level without notice or hearing (informed by Appellant of Direct Appeals in U. S. Supreme Ct. under Civil Rights Act of 196 82-5490, 83-5621, Direct Appeal docketed November 23, 1983) violate the Civil Righ Act of 1964, the Fourteenth, Seventh Amen ment to the U. S. Constituion, Phila. Hou ing Bill 780 effective January 12, 1984 requiring a valid license to evict or coll rent or appear in any court. TOMLINSON C Apts. does not have a valid license and ha no rights.

2. On September 17, 1984, the Prothonotar issued a Writ of Possession allowing Sheri to act on same, in violation of 30-day app period, Notice of Appeal and Supersedeas Bond Approved and docketed.

GROUNDS ON WHICH JURISDICTION OF COURT IS INVOKED

1. This case was removed under the Civil Rights Act of 1964 (28 USC 1443(1) with multiple direct Appeals docketed and stays granted with timely docketing of first Appeal on February 28, 1983. Orders made on September 10, 1984 by a single judge during Supreme Ct. of U. S. jurisdiction (Direct Appeals No. 82-5490, 83-5621, Direct Appeal docketed 11-23-83) violate the CIVIL RIGHTS ACT OF 1964, the Seventh Amendment, (jury demanded and paid for damages in excess of $20,000.) Fourteenth Amendment, Phila., Housing Bill 780 effective January 12, 1982, requiring a valid license to have any rights in any court or to evict of collect rent.
TOMLINSON COURT APARTMENTS DOES NOT HAVE A VALID LICENSE.

2. Orders of September 10, 1984 and Writ of Possession issued by Prothonotary are Null and Void as they violate all preceded (page 7)

3. Writ of Possession issued by Prothonotary on September 17, 1984 is invalid, null and void as it violates 30-day appeal period, the Notice of Appeal and Approved Supersedeas Bond docketed on September 28, 1984. It further violates all as stated on page 7. (CIVIL RIGHTS ACT OF 1964, Fourteenth Amendment, Seventh Amendment, Phila. Housing Bill 780 - effective January 12, 1984, requiring a valid license to collect rent or evict).

CONSTITUTIONAL PROVISIONS

1. The Civil Rights Act of 1964 - 28 USC 1447-1443 (1) must apply to people of all national origins to be Constitutional.
2. U. S. Supreme Court Rules Part VIII Rule 28 - 2 must apply to all Appellants to be Constitutional.
3. The Seventh Amendment to the U. S. Constitution must apply to every citizen who has demanded a jury trial.
4. The Fair Housing Act of 1968 must apply to all citizens.
5. Phila. Housing Code Ordinance Bill No. 780 - effective January 12, 1982 must apply to all citizens.
6. LANDLORD AND TENANT ACT must apply to all citizens.

CONCISE STATEMENT

APPELLANT, having filed a direct Appeal in Removal under 28 USC 1443 (1) docketed in U. S. Supreme Ct. on February 28, 1983 per US Supreme Ct. Rules Part VIII - Rule 28 - 2 as such staying all lower court proceedings, demands that all proceedings in this case be vacated and records transmitted to the U.S. Supreme Court

Said proceedings violate the Civil Rights Act of 1964, the Fair Housing Act of 1968, the Civil Rights of 1866 as amended, Phila. Housing Code Bill 780 effective January 12, 1982, a local branch of Federal Government, Landlord and Tentant Act - Rule 300 (F)Star Rule 28, effective July 1, 1967 amended May 10, 1971.(Phil.Civ.R.)

WHY QUESTIONS ARE SO SUBSTANTIAL

This case involves the Constitutionality of atleast three Acts of Congress, the Civil Rights Act of 1964, the Fair Housing Act of 1968, The Civil Rights Act of 1866,as amended by Exec. Order to include Natinnal Origin, the Seventh Amendment, the Fourteenth Amendment of U.S. Constitution, U.S. Supreme Ct. Rules Part VIII - Rule 28 2, Housing Code Ordinance Bill 789, effect-January 12, 1982 requiring a valid license to collect rent, evict or make any housing claims in any court or Administrative Agency, The Landlord and Tenant Act Rule 300 (F) Star Rule 28 7-1-67-amend. 3-10-71.

Tomlinson Ct. Apts. Re: Ct. of Com. Pl.
v. of Phila.
Olga Ogrod, Appellant

MAY TERM 1982
INTHE U. S. SUPREME CT. No. 4324
Direct Appeals Nos. MAJOR JURY DEM.
82-5490, 83-5621, AND PAID FOR
Direct Appeal docketed DAMAGES EXCESS
11-23-83. $20,000.

APPELLANT'S NOTICE OF DIRECT APPEAL TO THE UNITED STATES SUPREME COURT UNDER THE CIVIL RIGHTS ACT OF 1964 - CIVIL RIGHTS ACT OF 1866 AS AMENDED BY EX. ORDER NO. 12259 ON DECEMBER 31, 1980 (INCLUSIVE OF NATIONAL ORIGIN) FAIR HOUSING ACT OF 1968, FOURTEENTH AMENDMENT OF U. S. CONSTITUTION SEVENTH AMENDMENT OF U. S. CONSTITUTION- FURTHER ACTS OF CONGRESS AND ACTS OF ASSEMBLY, LANDLORD AND TENANT ACT - RULE 300 (F Star RULE 28, EFFECTIVE JULY L, 1964, AMEN MAY 10, 1971 - PHILA. HOUSING BILL NO. 780 EFFECTIVE JANUARY 12, 1982 - REQUIRING A VALID LICENSE TO COLLECT RENT OR EVICT - RULES OF THE SUPREME COURT OF THE U. S.

part I -THE COURT - RULE 1 1 -(CLERK)

US SUPREME COURT RULES PART VIII - Rule 28 - 2, USC 2101 (a) 28USC 1252, USC 28 2101 (b) - FURTHER ACTS OF CONGRESS

APPELLANT'S DIRECT APPEAL TO THE UNITED STATES SUPREME COURT FROM ALL INVALID ORDERS MADE ON SEPTEMBER 10, 1984 WITHOUT JURISDICTION, WITHOUT NOTICE AND HEARING IN VIOLATION OF APPELLANT'S CONSTITUTIONAL RIGHTS AS ABOVE STATED AND ALL WRITS ISSUED PER SAID UNCONSTITUTIONAL ORDERS.

(copy of orders attached)

Olga Ogrod

OLGA OGROD, Appellant-Affiant

SWORN TO AND SUBSCRIBED

THIS 28 DAY

1984

(signed) Anne Hild
Notary Public Phila.
My Commission expires July 13, 1987

TOMLINSON COURT APTS
V.
OLGA OGROD

COURT OF COMMON PLEAS
PHILA. COUNTY

CIVIL TRIAL DIVISION
MAY TERM 1982
NO. 4324

**** O R D E R

AND NOW, this 10 day of Sept. 1984, upon consideration of Petitioner's filings titled "Appellant's Second Notice to Motion Court of Direct Appeals to the United States Supreme Court, "Appellant's **** Third Notice to Motion Court of Direct Appeals to the United States Supreme Court and Plaintiff's Motion to Dismiss Appeal and Break Supersedeas Bonds, it is hereby ordered that the Defendant Olga Ogrod's Appeals are dismissed and Plaintiff may now evict Defendant and that the supersedeas bonds posted by Defendant are hereby broken in order to compensate Plaintiff for past due rents.

BY THE COURT:
(signed)

THOMAS A. WHITE, J.

RE: ORDER OF SEPTEMBER 10, 1984

Appellant, Olga Ogrod is not the Petitioner and the appeals are multiple. (A Motion Court Judge of Common Pleas Level does not have jurisdiction to dismiss appeals in courts above or on same level awaiting a jury trial)

THIS ORDER IS NULL AND VOID

THE COMMONWEALTH OF PENNSYLVANIA
COUNTY OF PHILA.

Tomlinson Ct. Apts.
50 E. Wynnewood Road
Wynnewood, Pa. 19096

CT. OF COMM.PL.

May Term 1982

v.

No. 4324

Olga Ogrod
1761 Foster Street Apt. F-7A
Phila., Pa. 19116

PRAECIPE FOR WRIT OF POSSESSION

TO THE PROTHONOTARY:

Issue Writ of possession in the above matte

for possession of (describe property)

1761 Foster Street Apt. F-
Phila., Pa. 19116

(signed)

Mary Beth Lukatch, Esq.

WRIT OF POSSESSION COSTS

$ 27.50 paid for Sept. 17, 1983

PROTHONOTARY

NOTE: APPELLANT FILED AN APPROVED SUPERSEDEAS BOND ON SEPTEMBER 28, 1984, though not required as rentals escrowed in another bond for rent to March 1985 held by Prothonotary - Ct. of Common Pleas

NO._____

IN THE

SUPREME COURT OF THE UNITED STATES

_____

OCTOBER TERM 1984

_____

TOMLINSON CT. APTS., Appellee

v.

OLGA OGROD, Appellant

_____

I, Olga Ogrod, Appellant do hereby certify that I have served by United States Mail postage prepaid, first class on this date, Thursday, Nov. 8, 1984 three copies of Jurisdictional Statement to Tomlinson Ct. Apts. 50 E. Wynnewood Road, Wynnewood, Pa. I further certify that all parties required to be served in this appeal have been served.

CERTIFICATE OF SERVICE

(cont.)

(signed)
Olga Ogrod, Appellant

SWORN TO AND SUBSCRIBED

THIS 8th DAY

1984